

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INNOVATIVE CUSTOM BRANDS INTL., INC.,

Plaintiff,

– against –

SOLE CITY, INC., SOLOMON SAFDEYE,
ALAN KANDALL, JEFFREY BERNSTEIN
and MARC DOLCE,

Defendants.

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: Index No.: 04 CV 2937 (unassigned)
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: **NOTICE OF MOTION**

Please take notice that the defendant, Jeffrey Bernstein, hereby moves this Court pursuant to Rules 12 (b) (6) and 9(b) of the Federal Rules of Civil Procedure, before the Honorable Richard J. Holwell, at 500 Pearl Street, Courtroom 17B, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing plaintiff's claim for fraud against him for failing to state a claim upon which relief may be granted, and failing to plead the claim with sufficient particularity. Accompanying this motion is defendant's Memorandum of Law dated May 6, 2004.

Dated: New York, New York
May 6, 2004

FELDMAN WEINSTEIN LLP

By: s/Eric D. Harris

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Certificate of Service

I certify that the foregoing Notice of Motion and accompanying Memorandum of Law were served on May 6, 2004 by first class mail upon the following attorneys of record, at the following addresses:

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Eric Weinstein